

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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MARK BREAKIRON,	:	
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	:	
Petitioner,	:	
	:	
	:	
v.	:	CIVIL ACTION
	:	
	:	
MARTIN HORN, Commissioner,	:	No. 00 - 300:
Pennsylvania Department of Corrections;	:	
CONNOR BLAINE, Superintendent of the	:	Judge Standish
State Correctional Institution at Greene, and	:	
JOSEPH P. MAZURKIEWICZ,	:	<b>THIS IS A CAPITAL CASE.</b>
Superintendent of the State Correctional	:	
Institution at Rockview,	:	
	:	
	:	
Respondents.	:	

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**MOTION FOR BRIEF EXTENSION TO FILE MOTION FOR SUMMARY JUDGMENT**

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Petitioner, MARK DAVID BREAKIRON, through undersigned counsel, hereby requests that this Court grant his MOTION FOR BRIEF EXTENSION TO FILE MOTION FOR SUMMARY JUDGMENT and in support hereby states:

1. On November 4, 2005, this Court held a status conference during which Petitioner informed the Court that they would be filing a Motion for Summary Judgment on Claims Three (3) and One (1). This Motion for Summary Judgment was due to be filed by November 10, 2005.

2. Regretfully, Petitioner has not yet completed the Motion for Summary Judgment and would respectfully ask the Court to grant him a brief extension in which to complete and file

the motion.

3. Petitioner will submit its Motion for Summary Judgment no later than November 15, 2005.
4. Accordingly, undersigned counsel respectfully requests the Court to grant this Motion for Brief Extension.

Respectfully submitted,

S/(James Anderson)

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Dated: November 10, 2005

